

Harvis & Fett

GABRIEL P. HARVIS
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October 29, 2017

BY ECF

Honorable Katherine B. Forrest
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Lounds v. City of New York, et al.*, 17 CV 5511 (KBF)

Your Honor:

I represent plaintiff in the above-referenced civil rights action. I write, pursuant to Local Civil Rule 83.10 §§ 4(a) and 10 and the Court's orders dated July 27, 2017 (DE #8) and October 16, 2017 (DE #13), to respectfully request that the matter be removed from the Plan for Certain § 1983 Cases Against the City of New York (the "Plan") and that an initial conference be scheduled. Defendants do not consent to this request.

This case was commenced on July 20, 2017 and designated for inclusion in the Plan on July 21, 2017. *See* DE #5. On September 5, 2017 plaintiff provided defendants with cell phone video depicting a portion of the incident along with 144 pages of disclosures, including, *inter alia*, the CCRB file and plaintiff's medical records. By letter dated September 15, 2017, defendants informed plaintiff and the Court that the case was not a designated "no pay." DE #11. That same day, plaintiff provided defendants with a detailed written settlement demand.

In the best of faith, plaintiff regularly followed-up with defendants and patiently waited for a settlement offer in response to her September 15th demand. Defendants' offer, which finally arrived on the afternoon of October 26, 2017, is simply too low for mediation to be fruitful, especially given that plaintiff has not yet received any discovery from defendants. If it should please the Court, plaintiff

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respectfully submits that the parties time would be better spent conducting discovery and preparing the matter for trial.

Accordingly, plaintiff respectfully requests that this case be removed from the Plan and that the Court convene an initial conference.

Thank you for your consideration of this request.

Respectfully submitted,


Gabriel P. Harvis

cc: ACC Geoffrey M. Stannard, Esq.

SDNY Mediation Office (by e-mail)

Assigned Mediator (by e-mail)

Ordered

This case is removed from
the plan. The parties shall
appear at an initial

conference on 11/7/17 @ 2pm.
The parties shall submit a proposed
schedule (see my rules) four days
beforehand.

/CB. 
WJS

10/30/17